

AGREEMENT

BETWEEN

**THE GOVERNMENT OF THE UNITED STATES OF
AMERICA**

AND

THE GOVERNMENT OF THE REPUBLIC OF BENIN

**REGARDING THE SURRENDER OF PERSONS TO
INTERNATIONAL TRIBUNALS**

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PREAMBLE

The Government of the United States of America and the Government of the Republic of Benin (hereafter "the Parties"),

Considering the friendly relations and cooperation between the Parties;

Reaffirming the need to bring to justice those who commit genocide, crimes against humanity and war crimes;

Considering that each of the Parties has expressed its intention to investigate and prosecute where appropriate alleged acts considered to be war crimes, crimes against humanity and genocide committed by its government officials, employees, military personnel, and nationals;

Affirming that nothing in this Agreement precludes either Party from exercising its criminal jurisdiction over those responsible for genocide, crimes against humanity and war crimes;

Hereby agree as follows:

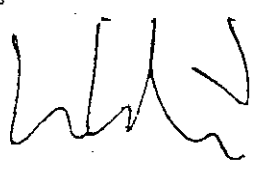

Article One:

For the purpose of this Agreement, "persons" are:

- (a) nationals of one Party;
- (b) Government officials or employees (including contractors) of one Party, which may include any agent from one or the other Party, the Police, the Gendarmerie or any other auxiliary corps acting in a foreign theater of operations; and
- (c) military personnel of one Party with respect to acts or omissions allegedly committed or occurring while they are or were military personnel.

Article Two:

This Agreement applies to the surrender of persons of either Party to international tribunals not established or authorized by the United Nations Security Council.



Article Three:

In cases of special interest regarding persons alleged to have committed any of the aforementioned crimes, the Parties shall consult with a view to exchanging relevant information in accordance with their respective Constitutions and laws.

Article Four:

Persons of one Party present in the territory of the other shall not, absent the express consent of the first Party,

- (a) be surrendered or transferred by any means to any international tribunal for any purpose, unless such tribunal has been established or authorized by the United Nations Security Council, or
- (b) be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to any international tribunal, unless such tribunal has been established or authorized by the United Nations Security Council.

Article Five:

When the Government of the United States of America extradites, surrenders or otherwise transfers a person of the Republic of Benin to a third country, the Government of the United States of America will not agree, without the express consent of the Government of the Republic of Benin, to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal has been established or authorized by the United Nations Security Council.

Article Six:

When the Government of the Republic of Benin extradites, surrenders or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Benin will not agree, without the express consent of the Government of the United States of America, to the surrender or transfer of that person by the third country to any

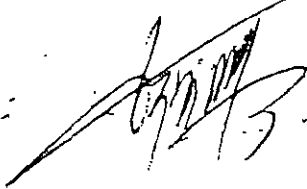
international tribunal, unless such tribunal has been established or authorized by the United Nations Security Council.

Article Seven:

- (a) This Agreement shall enter into force one month following signature.
- (b) This Agreement will remain in force until six months after the date on which one Party notifies the other of its intent to terminate this Agreement.
- (c) The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

Done in duplicate at Cotonou, this 25th day of July, 2005, in the English and French languages, both texts being equally authentic.

FOR THE GOVERNMENT OF
THE REPUBLIC OF BENIN:



FOR THE GOVERNMENT
OF THE UNITED STATES OF
AMERICA:

